

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE V.K.MOHANAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WA.No. 2107 of 2007()

AGAINST ORDER DATED 6.8.2007 IN RP 648/2007 IN WPC.17444/2007
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APPELLANTS/RESPONDENTS 3 & 4 IN RP

1. MANAGER, A.M.M. HIGH SCHOOL AND LPS.,
PULIKKAL, MALAPPURAM.
2. HEADMASTER, A.M.M. HIGH SCHOOL AND LPS.,
PULIKKAL, MALAPPURAM.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS/PETITIONER & RESPONDENTS 1, 2 & 5

1. FATHIMAKUTTY P., UPSA (FULL TIME JUNIOR
(ARABIC), A.M.M. HIGH SCHOOL, PULIKKAL,
MALAPPURAM, AGED 36, W/O BASHEER P.,
PUTHIYOTTIL HOUSE, THIRUTHYARD, VAZHAYOOR PO.,
MALAPPURAM.
2. STATE OF KERALA REPRESENTED BY
SECRETARY, EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
3. DISTRICT EDUCATION OFFICER,
MALAPPURAM.
4. SAMEERA T.A., D/O LATE MUHAMMED T.A.,
AZHUKAT HOUSE, KOTTAPURANI, ANTHIYOOR KUNNU P.O.,
VIA PULIKKAL, MALAPPURAM.

R1 BY ADV.MR.K.S.MADHUSOODANAN

R2 & R3 BY GOVERNMENT PLEADER MR.BENNY GERVACIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ.

W.A.No.2107 of 2007

Dated, this the 23rd day of August, 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel on either side.

2. This writ appeal is preferred against the order in R.P.No.648 of 2007 in W.P.(C) No.17444 of 2007. The writ petition was preferred by the first respondent herein seeking a writ of certiorari to quash Ext.P1 letter issued by the Manager to the Headmaster of the school and also a writ of mandamus directing respondents 1 to 4 to allow the petitioner to continue as full time junior Arabic UPSA in the school with all consequential benefits.

3. The learned Single Judge disposed of the writ petition by judgment dated 15th June, 2007 permitting the petitioner to pursue the remedy available to her in accordance with law. Aggrieved by that order petitioner filed R.P.No.648 of 2007. The learned Single Judge allowed the review petition and it was clarified that the petitioner should be allowed to continue in the school where she had been working. Various other directions have also been issued by the learned Single Judge. Aggrieved by the same, writ appeal has been preferred by the manager and headmaster of the school.

4. We are of the view, the reliefs sought for by the petitioner as such cannot be granted by the learned Single Judge. This Court

is not justified in interfering with Ext.P1 since it is only a communication issued by the manager to the headmaster of the school. Learned counsel appearing for the first respondent submitted that while the matter was pending, the District Educational Officer, Malappuram has passed Annexure I order dated 11.6.2007 rejecting her complaint.

5. In the circumstances, we are of the view, the first respondent, if so aggrieved, may approach the Deputy Director of Education, Malappuram. We make it clear that if the first respondent approaches the Deputy Director of Education, Malappuram within a week, the said authority shall take note of all aspects of the matter and pass appropriate orders in accordance with law after affording an opportunity of hearing to all affected parties.

The writ appeal is disposed of. The impugned order passed by the learned Single judge in R.P.No.648 of 2007 ` is vacated.

K.S.RADHAKRISHNAN, JUDGE

V.K.MOHANAN, JUDGE

vns